In May 2001, BellSouth sent 100% of its change management documentation on time. *See Varner Ga. Aff.* ¶ 180; *Varner La. Aff.* ¶ 194 (F.10.3). In July, there were only four items with activity, and two of the updates were sent within the 30-day window. As to one item, after the 30-day release of documentation relating to an upcoming release for ordering, it was discovered that one of the electronic ordering features had been omitted from the original documentation. Thus, an immediate update to the documentation was sent out to correct the omission. *See Varner Ga. Aff.* ¶ 180; *Varner La. Aff.* ¶ 194. For another item, subsequent to the 30-day release interval, a software correction associated with the Florida third-party test was added to the release. The updated documentation for this change was then sent to all CLECs. Both of these items were counted as misses during the period. *See Varner Ga. Aff.* ¶ 180; *Varner Ga. Aff.* ¶ 194.

BellSouth's overall change management performance, coupled with the initiatives it is undertaking to improve its performance on those measures for which it did not meet the applicable benchmark, indicates that BellSouth's notification and documentation timeliness is sufficient to allow a competitor a meaningful opportunity to compete. *See New York Order* ¶ 118.

According to the Commission, versioning is integral to a BOC's demonstration that its change management plan affords competing carriers a meaningful opportunity to compete. *Texas Order* ¶ 115. BellSouth's change management process contains a versioning policy that enables CLECs to transition to newer versions of its industry-standard electronic interfaces on a schedule that is convenient for them. *See Stacy Aff.* ¶¶ 148-151. BellSouth's policy is to support two industry-standard versions of these electronic interfaces at any time. *See id.* ¶ 149. Whenever BellSouth has to retire a version of these interfaces, BellSouth will notify CLECs 120

days in advance. *See id.* ¶¶ 143, 149. BellSouth's versioning policy provides CLECs with significant assurance that changes to the interfaces will not disrupt CLECs' use of BellSouth's OSS. *Kansas/Oklahoma Order* ¶ 167 ("[V]ersioning enhances SWBT's change management plan by providing significant additional assurance that changes will not disrupt competing carriers' use of the SWBT's OSS.").[76]

Finally, as part of its third-party test, KPMG tested BellSouth's change management process and found that BellSouth had satisfied each evaluation criterion related to change management. *See Stacy Aff.* ¶ 96; MTP Final Report at VIII-A-15 to -23.

f. Testing Environment

BellSouth also provides CLECs with an open and stable testing environment for the machine-to-machine electronic interfaces. *See Stacy Aff.* ¶¶ 164-177. As of July 2001, 13 CLECs have used this environment to test EDI, and 17 CLECs have used it to test TAG. *See id.* ¶ 154. After conducting carrier-to-carrier beta tests, on April 23, 2001, BellSouth released a new testing environment for functional testing called the CLEC Application Verification

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[76] In state section 271 proceedings, CLECs raised two issues with BellSouth's CCP. First, CLECs argued that the CCP has no provision regarding a "go/no-go decision point" to ensure that CLECs are not forced prematurely to cut over to a new release. As explained above, however, BellSouth's versioning policy (which is the same as Verizon's) has been to support two industry-standard versions of the applicable electronic interfaces at all times, and thus does not force CLECs to switch. *See Stacy Aff.* ¶ 151. Second, CLECs complained that BellSouth retains veto power over all CLEC-proposed changes. This "veto power" does not exist. First, the CLECs' own examples belie their assertion: five of the examples were subsequently passed by the CCP – which includes BellSouth – and incorporated into the CCP document, one issue was passed by the CCP with only one CLEC dissenting, and one issue is still under discussion. *See id.* ¶ 138. Second, to the extent BellSouth is able to reject change requests, which it can pursuant to the terms of the CCP, the escalation and dispute resolution processes included in the CCP are more than adequate to protect CLECs' interests. To date, no party has used the dispute resolution processes to escalate a matter to a state commission for resolution. *See id.* ¶ 139.

Environment ("CAVE").[77] *See id.* ¶ 167. CAVE satisfies the Commission's requirement that a BOC provide CLECs "with access to a stable testing environment to certify that [their] OSS will be capable of interacting smoothly and effectively with the BOC's OSS," and provide "a testing environment that mirrors the production environment in order for competing carriers to test the new release." *Texas Order* ¶ 132. CAVE, which was developed in response to a specific CLEC request through the CCP for a testing environment that mirrors production, ensures that new hardware and software releases facilitate successful order flow before the new releases are introduced to the production environment. *See Stacy Aff.* ¶ 168. CAVE allows testing of all major releases.[78] *See id.* ¶ 170.

Finally, KPMG found that BellSouth satisfactorily provides functional testing environments to CLECs for all supported interfaces. *See* STP Final Report at VI-A-22 (CM-2-1-6); *Stacy Aff.* ¶ 153.[79]

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[77] In state 271 proceedings, CLECs have raised an issue about the exclusion of LENS and RoboTAG™ from CAVE. *See Stacy Aff.* ¶ 177. But because LENS and RoboTAG™ are proprietary interfaces for which BellSouth performs all of the programming, CLECs are not required to do any work, and thus there is little for CLECs to "test." *See id.* Moreover, CLECs may still test both CAVE and RoboTAG™ in BellSouth's original testing environment. *See id.* Finally, if any CLEC disagreed with BellSouth's decision to exclude LENS and RoboTAG™ from CAVE, it should have escalated this dispute through the CCP. *See id.* No CLEC has done so. *See id.*

[78] Between October 5 and December 9, 2001, CAVE will be unavailable so that a collection of new systems that will provide additional functionality to mirror production can be integrated. *See Stacy Aff.* ¶ 179. This moratorium on CAVE will not materially impact CLECs, however, as they have had two months to test Release 9.4 of the interface since its release. *See id.* ¶ 169. Moreover, CLECs will have four weeks to test Release 10.3 before its scheduled release date of January 5, 2002. *See id.* ¶ 180.

[79] This Commission previously rejected AT&T's contention that the testing environment must be "identical" to the production environment. *Texas Order* ¶ 138. Rather, according to the Commission, the test environment is sufficient if the testing and production environments "perform the same key functions." *Id.*

In summary, BellSouth is providing CLECs with nondiscriminatory access to OSS. BellSouth's performance data demonstrate significant commercial usage of BellSouth's OSS by CLECs in both Georgia and Louisiana, as well as nondiscriminatory performance by BellSouth to those CLECs. As the Commission has noted, BellSouth's performance should be judged on the totality of the circumstances – performance disparity in one measurement or sub-measurement is unlikely to result in a finding of noncompliance. Rather, each individual measurement should be reviewed as one part of a larger picture in determining compliance or noncompliance. *Kansas/Oklahoma Order* ¶ 136. When BellSouth's performance data are viewed as a whole and in conjunction with the successful third-party test and the significant market share captured by CLECs in Georgia and Louisiana, the evidence establishes that BellSouth is complying fully with the requirements of Checklist Item 2.

C. Checklist Item 3: Poles, Ducts, Conduits and Rights-of-Way

Section 271(c)(2)(B)(iii) of the Act provides that a BOC must offer "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of Section 224." Section 224 of the Act outlines state and federal jurisdiction over regulation of access to poles, ducts, conduits, and rights-of-way and describes the standard for just and reasonable rates for such access. Under 47 C.F.R. § 1.1403, a utility shall provide any carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by the utility. Notwithstanding this obligation, a utility may deny any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way where there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles.

In the *Second Louisiana Order*, the Commission held that BellSouth demonstrated that it satisfied this checklist requirement because it has nondiscriminatory procedures for access to

poles, ducts, conduits, and rights-of-way. *Second Louisiana Order* ¶¶ 171-183. In section III of the SGATs in both Georgia and Louisiana, and in various negotiated interconnection agreements, BellSouth continues to offer nondiscriminatory access to poles, ducts, conduits, and rights-of-way within reasonable time frames. *See Kinsey Aff.* ¶ 5 (App. A, Tab L). BellSouth's actions and performance at this time are consistent with the showing previously made to the Commission upon which it made the determination that the statutory requirements for Checklist Item 3 were met. *See id.* ¶ 3.

BellSouth processes CLEC requests for access to poles, ducts, conduits, and rights-of-way through the Competitive Structures Provisioning Center ("CSPC"). *See id.* ¶ 4. To gain access to poles, ducts, conduits, and rights-of-way, a CLEC must execute a license agreement with BellSouth. The license agreement sets out the terms and conditions applicable to all licenses granted the CLEC by BellSouth. CLECs may execute license agreements on a state-wide or region-wide basis. *See id.* ¶ 5. After execution of a license agreement, a CLEC may submit an application to attach to or occupy specific structures or rights-of-way owned or controlled by BellSouth. BellSouth evaluates all CLEC requests according to widely accepted standards regarding capacity, safety, reliability, and general engineering. *See id.* ¶ 7. When an application is approved, BellSouth grants a license to the CLEC to attach to or occupy BellSouth's requested poles, ducts, conduits, or rights-of-way. Multiple licenses may be granted under a single CLEC license agreement; however, separate license applications must be submitted for each set of poles, ducts, conduits, or rights-of-way to which access is desired. *See id.* ¶ 9.

CLECs may gain access to geographic-specific engineering information regarding poles, ducts, conduits, or rights-of-way either by requesting that BellSouth provide the relevant

information to them, or by seeking access to BellSouth's records. *See id.* ¶ 11. If the CLEC wishes to view BellSouth's records, BellSouth will make paper copies available at a Records Maintenance Center within five business days. If the CLEC instead chooses to receive the records through the mail, BellSouth has committed to accomplish this within 20 business days, including the time required for handling and mailing. *Id.*

If BellSouth requires additions to its own facilities, these proposed additions are handled internally using the same criteria and processes that are used for evaluating a CLEC request. BellSouth does not reserve space for its own future business needs or give itself a preference when assigning space. *See id.* ¶ 16. BellSouth does not, and will not, favor itself, as a matter of policy, procedure, or fact, over other carriers when provisioning access to poles, ducts, conduits, and rights-of-way. The same workforce evaluates all requests for access to these structures using the same criteria regardless of whether the request was made by a CLEC or BellSouth. *See id.* Moreover, BellSouth uses a mechanized scheduling system designed to ensure parity. To ensure nondiscriminatory treatment, the identity of the party requesting work is generally not revealed when authorization details are entered into the system. *See id.* ¶ 18. Scheduling, therefore, is the same whether the requesting party is BellSouth or a CLEC. *See id.*

As of September 11, 2001, 52 Georgia CLECs have license agreements with BellSouth; 49 Louisiana CLECs have license agreements. As of the same date, 30 of the 52 Georgia CLECs with license agreements had made 942 applications through the CSPC for access to BellSouth's poles, ducts, conduits, and rights-of-way; 15 CLECs had made 91 applications for access in Louisiana. *See Milner Aff.* ¶¶ 111-112. In sum, BellSouth plainly satisfies the requirements of Checklist Item 3. Indeed, BellSouth's compliance is so clear that no party's comments to the

GPSC or LPSC during those agencies' checklist-compliance proceedings challenged that conclusion.

D. Checklist Item 4: Unbundled Local Loops

BellSouth offers CLECs local loop transmission from the central office to the customer's premises, unbundled from local switching or other services, thereby enabling CLECs to provide local service without replicating BellSouth's sunk investment in an infrastructure connecting each end user to the public switched telephone network. As of July 31, 2001, BellSouth had provisioned more than 84,000 loops in Georgia and more than 17,000 loops in Louisiana. *See id.* ¶ 117.

BellSouth fully complies with all of its obligations under this checklist item. BellSouth has a concrete and specific legal obligation in both Georgia and Louisiana to provide local loop facilities on an unbundled basis, the terms of which are set forth in BellSouth's Georgia and Louisiana SGATs and in interconnection agreements with multiple CLECs. BellSouth provisions high-quality loops in a timely manner, and has demonstrated its ability to satisfy all levels of reasonable customer demand. Moreover, working largely through collaborative meetings with CLECs, BellSouth has developed nondiscriminatory processes and procedures for the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services. BellSouth has complied fully with its obligations under the *Line Sharing Order*,[80] the *Line Sharing Reconsideration Order*,[81] and the *UNE Remand Order*.

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[80] Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 14 FCC Rcd 20912 (1999).

[81] Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC

1. Stand-Alone Loops

In both Georgia and Louisiana, BellSouth offers a variety of loop types to CLECs, including SL1 voice grade loops, SL2 voice grade loops, 2-wire ISDN digital grade loops, 56 or 64 kbps digital grade loops, and various high-capacity and xDSL-capable loops. *See Milner Aff.* ¶ 115. In addition, BellSouth provides CLECs with unbundled loops in those instances where the customer was previously served by Integrated Digital Loop Carrier ("IDLC"). *See id.* ¶ 118; *Kansas/Oklahoma Order* ¶ 178. CLECs can access unbundled loops at any technically feasible point, and BellSouth provides access to all the features, functions, and capabilities of the loop. *See Milner Aff.* ¶ 114; *New York Order* ¶ 275. CLECs seeking additional loop types can take advantage of BellSouth's BFR process. *See Milner Aff.* ¶ 110; *Ruscilli/Cox Joint Aff.* ¶¶ 12-13.

Comprehensive performance data unequivocally demonstrate that BellSouth's processes and procedures for the ordering, provisioning, and maintenance of unbundled loop facilities offer CLECs a meaningful opportunity to compete in the local service market. *See New York Order* ¶¶ 270, 283 (performance measurements showing provisioning intervals and success in meeting due dates are instructive in proving nondiscriminatory access); *Texas Order* ¶ 249; *Kansas/Oklahoma Order* ¶ 208 (the Commission continues to rely primarily upon missed installation appointments and average installation intervals).

In its *Second Louisiana Order*, the Commission suggested that it was unable to find that BellSouth complied with Checklist Item 4 because BellSouth's performance metrics were not disaggregated by loop type, and lacked sufficient underlying documentation. *See Second Louisiana Order* ¶¶ 192-198. BellSouth's SQM plans in Georgia and Louisiana fully address

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Docket No. 96-98, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 16 FCC Rcd 2101 (2001).

those issues. As BellSouth has explained, the SQM plans were developed through a collaborative process with significant CLEC participation, and they have been modified and approved by both the GPSC and the LPSC. As explained in the affidavits of Alphonso Varner, and further demonstrated below, those plans provide highly disaggregated data for different loop types – including data for analog loops (designed and non-designed, and with and without LNP), various kinds of digital loops, xDSL loops, and line-shared loops. BellSouth's performance in the pre-ordering, ordering, and provisioning of unbundled loops, as captured by these comprehensive measures, demonstrates that CLECs have nondiscriminatory access to local loop transmission. *See generally Varner Ga. Aff.* ¶¶ 189-244; *Varner La. Aff.* ¶¶ 203-257. The Varner affidavits and their attachments additionally contain a detailed explanation of how these PSC-approved measurements are derived, and provide sufficient documentation so that their results can be (and have been) subject to audit by independent parties. *See Second Louisiana Order* ¶ 198 ("in future applications, we expect BellSouth to explain how it derives and calculates its data and why its performance data demonstrates that competitive LECs have nondiscriminatory access to unbundled loops").

a. Hot Cuts

BellSouth provides nondiscriminatory access to hot cut loops in accordance with the Commission's standards. Specifically, BellSouth performs coordinated conversions in a timely manner, with minimal service disruption, and with few troubles following installation. *See LPSC Staff Final Recommendation* at 77.

BellSouth has developed three different hot cut processes, allowing CLECs to select the particular method that best fits their business plan and their customers' needs. Two of these processes – the time-specific cutover and the non-time-specific cutover – involve order

coordination between BellSouth and the requesting CLEC, while the third process – the date-specific cutover – does not involve any such coordination. *See Milner Aff.* ¶ 142. In the third method, the CLEC simply specifies a date for the desired conversion to occur. *Id.* ¶ 144.

The time-specific and non-time-specific processes are largely analogous: the difference is when the specific time for the cutover is determined. When a CLEC places an order for a time-specific conversion, the CLEC selects up-front the date and time for the desired conversion. *Id.* ¶ 142. For a non-time specific conversion, the CLEC selects only the cutover *date* at the time it places the original order. Then, within 24 to 48 hours of that cutover date, BellSouth and the CLEC will jointly select a mutually acceptable time for the coordinated conversion to occur. *Id.* ¶ 143.

As the Commission has noted, "[t]he ability of a BOC to provision working, trouble-free loops through hot cuts is critically important in light of the substantial risk that a defective hot cut will result in competing carrier customers experiencing service outages for more than a brief period." *Texas Order* ¶ 256. BellSouth's performance data for both Georgia and Louisiana demonstrate that it is doing exceptionally well in performing this "critically important" task.

Georgia. Between May and July 2001, BellSouth met every benchmark in Georgia for each of the hot cut sub-metrics. *See Varner Ga. Aff.* ¶ 238. BellSouth provisioned 6,615 of the 6,673 scheduled conversions (or greater than 99%) on time during the three-month period of May, June, and July 2001. *Id.* ¶ 239. The average interval for each cutover was a mere 2.53 minutes. *Id.* In July, BellSouth completed 97.92% of time-specific and 99.39% of non-time-specific SL1 loop conversions in fewer than 15 minutes; during that same month, it completed 98.94% of time-specific and 100% of non-time-specific SL2 loop conversions in fewer than 15 minutes. *See* BellSouth Monthly State Summary – Georgia, July 2001 (B.2.14) (*Varner Affs.*

Exh. PM-4). BellSouth also performed these cutovers with a minimum of service disruption, causing only 15 outages while performing 6,673 conversions. *Varner Ga. Aff.* ¶ 243. *See also Pennsylvania Order* ¶ 79 n.275 ("We note that individual states and BOCs may define performance measures in different ways. We look to those measurements however, that provide data most similar to data we have relied on in past orders."). This outage rate of only 0.22% easily satisfies the Commission's 5% standard. In addition, CLECs reported trouble on only 108 of 4,956 (2.17%) converted circuits (B.2.17), well within the benchmark established by the Georgia PSC and in line with this Commission's standards. *See Varner Ga. Aff.* ¶ 244.

Louisiana. BellSouth's Louisiana performance is, if anything, even better than its Georgia performance. From May through July, BellSouth completed all 1,391 scheduled conversions within the 15-minute benchmark. *See Varner La. Aff.* ¶ 252. The average completion interval was 2.76 minutes. *See id.* BellSouth performed more than 99.7% of coordinated conversions without causing an outage, again far superior to the applicable 95% standard. *See id.* ¶ 256. During that time period, CLECs reported trouble on only 17 of 1,310 (1.3%) provisioned circuits, well within the Commission's 2% standard. *See* ¶ 257.

In light of this evidence, there can be no serious dispute that BellSouth satisfies this Commission's standards for hot cuts in both Georgia and Louisiana. *See Kansas/Oklahoma Order* ¶ 201; *Massachusetts Order* ¶ 110 (BOC demonstrates compliance by providing hot cuts in a timely manner; at an acceptable level of quality; with minimal service disruptions; and with a minimum of troubles following installation).

b. Stand-Alone Loop Performance

In reviewing a BOC's performance for stand-alone loop provisioning, the Commission focuses upon the following categories: (i) average completion interval (for BellSouth, this is tracked through an analogous metric known as order completion interval or "OCI"); (ii) missed

installation appointments; (iii) trouble reports after provisioning; and (iv) the timeliness and quality of maintenance and repair measures. *Kansas/Oklahoma Order* ¶¶ 208-212. Across loop types, and in both Georgia and Louisiana, BellSouth's performance has been excellent.

Georgia. BellSouth provisions quality unbundled voice grade loops in a timely manner, guaranteeing Georgia CLECs a meaningful opportunity to compete. BellSouth consistently meets a greater percentage of installation appointments for Georgia CLECs than for its own retail customers, and provisions voice grade loops for CLECs in substantially the same time as it does for its own retail customers. Between May and July, for example, BellSouth met or exceeded the applicable benchmark for 12 of the 13 installation appointment sub-metrics for analog loops. *Varner Ga. Aff.* ¶ 223.[82] Likewise, BellSouth's reported OCI performance data for analog loops indicate that it met or exceeded the applicable benchmark for each of the relevant sub-metrics during that same time period. *See Varner Ga. Aff.* ¶ 220.

The quality of BellSouth's loop provisioning in Georgia, as well as the timeliness and quality of its maintenance and repair services, has also been exemplary. Between May and July, BellSouth met or exceeded the parity standard for all sub-metrics that capture provisioning troubles for analog loops. *See Varner Ga. Aff.* ¶ 225. During that same time period, BellSouth also met a greater percentage of maintenance and repair appointments for CLEC customers than it did for its own retail customers (B.3.1.8, B.3.1.9), and completed maintenance and repair work in substantially less time for CLEC loops than for BellSouth's own retail customers (B.3.3.8, B.3.3.9). *See id.* ¶¶ 228-230. Finally, BellSouth provides high-quality maintenance and repair

[82] The only sub-metric that BellSouth missed – B.2.18.9.2.1 (June 2001) (2-wire analog loop non-design/>=10 circuits/dispatch) – involved only two orders.

services, such that CLEC customers suffered a lower percentage of repeat troubles than did BellSouth retail customers (B.3.4.8, B.3.4.9). *See id.* ¶ 230.

Louisiana. BellSouth also provisions unbundled voice grade loops in Louisiana in a manner that provides Louisiana CLECs a meaningful opportunity to compete. BellSouth consistently meets more installation appointments for Louisiana CLECs than for its own retail customers, exceeding parity for all seven sub-metrics with reported data (B.2.18.8, B.2.18.9) between May and July. *See Varner La. Aff.* ¶ 237. While the order completion intervals have been substantially the same for CLEC and BellSouth retail customers (B.2.1.8), the limited CLEC order volume has accentuated any minor deviations that have occurred. *See* BellSouth Monthly State Summaries – Louisiana, May-July 2001 (*Varner Affs.* Exhs. PM-14 to PM-16). This minimal deviation has not affected CLECs' opportunity to compete in the Louisiana local service market.

As in Georgia, the quality of BellSouth's provisioning in Louisiana has also been superb. Between May and July, BellSouth missed none of the nine sub-metrics that capture provisioning troubles for analog loops. *See Varner La. Aff.* ¶ 238 (B.2.19.8, B.2.19.9). Likewise, as captured by the "customer trouble report rate" metric, Louisiana CLEC customers consistently experienced a smaller percentage of troubles than did BellSouth's retail customers. *See id.* ¶ 243 (B.3.2.8, B.3.2.9). BellSouth has also provided Louisiana CLECs maintenance and repair services that are on par with, if not superior to, that provided to BellSouth's retail customers. Between May and July, BellSouth missed a smaller percentage of installation appointments for CLECs than for its retail customers (B.3.1.8, B.3.1.9), and BellSouth completed maintenance and repair work in substantially less time for CLECs than for its own retail customers (B.3.3.8). *See id.* ¶¶ 241, 243. In July alone, BellSouth completed maintenance work for CLEC more than

three times faster than for its retail customers. *See* BellSouth Monthly State Summary – Louisiana, July 2001 (B.3.3.8) (*Varner Affs.* Exh. PM-16). CLECs have also received superior quality maintenance and repair services, as BellSouth met or exceeded parity for all six of the repeat trouble report sub-metrics (B.3.4.8). *Varner La. Aff.* ¶ 243.

c. High-Speed Digital Loops

Georgia. BellSouth has additionally provisioned high-quality digital loops to Georgia CLECs at speeds of DS1 and greater. From May through July, BellSouth has missed a smaller percentage of installation appointments for CLECs in provisioning such high-speed digital loops than it has for its own retail customers (B.2.18.19). *See Varner Ga. Aff.* ¶ 234. Likewise, the average order completion interval for digital loops of DS1 capacity or greater has consistently been shorter for CLECs than it has been for BellSouth retail customers (B.2.1.19). *See id.* ¶ 232. BellSouth has also instituted a new turn-up process to address concerns with some provisioning troubles. *See id.* ¶ 236.

Louisiana. BellSouth additionally provides nondiscriminatory access to digital loops of DS1 capacity or greater in Louisiana. BellSouth's provisioning performance has been excellent. During each of the past three months, BellSouth has missed a smaller percentage of installation appointments when provisioning high-speed digital loops for CLECs than it has when provisioning such loops to its retail customers. *See Varner La. Aff.* ¶ 247 (B.2.18.19). Likewise, the average order completion interval for digital loops of DS1 capacity or greater has consistently been shorter for Louisiana CLECs than it has been for BellSouth retail customers. *See id.* ¶ 245 (B.2.1.19).

2. Access to Subloop Elements

In addition to the unbundled loops themselves, BellSouth offers CLECs nondiscriminatory access to subloop elements. *See Milner Aff.* ¶ 124. The subloop UNE has been defined as a portion of the local loop that can be accessed at accessible points on the loop. This includes any technically feasible point near the customer premises, such as the pole or pedestal, the network interface device ("NID"), or minimum point of entry to the customer's premises, the feeder distribution interface, the Main Distributing Frame, remote terminals and various other terminals. *See id.* BellSouth offers the following subloop elements: loop concentration/multiplexing; loop feeder; loop distribution; intrabuilding network cable; and network terminating wire. *See id.* Moreover, CLECs can request additional subloop elements via the bona fide request process. *See id.* As of July 31, 2001, BellSouth has provided CLECs over 600 unbundled subloop loop distribution elements region-wide. *See id.* ¶ 125.

3. Access to xDSL-capable Loops

BellSouth has developed and implemented nondiscriminatory processes and procedures for the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services, providing Georgia CLECs a meaningful opportunity to compete in the advanced services market. Because the various flavors of xDSL have different technical prerequisites and disparate tolerance for disturbing devices, CLECs requested that BellSouth create xDSL loop offerings with distinct parameters. In response to these requests, BellSouth developed a variety of unbundled loop-types for CLECs to choose among. Because BellSouth signed interconnection agreements obligating it to continue provisioning these different loop types, multiple product offerings have been and remain available over time. The historical evolution of BellSouth's specific xDSL loop offerings – which currently include the ADSL-capable loop; HDSL-capable

loop; ISDN loop; Universal Digital Channel ("UDC"); Unbundled Copper Loop ("UCL"), Short and Long; and UCL-Nondesign ("UCL-ND") – is recounted in the affidavit of Jerry Latham. *See generally Latham Aff.* ¶¶ 3-19 (App. A, Tab M). By July 31, 2001, BellSouth had provisioned 3,391 2-wire ADSL loops, 80 2-wire HDSL loops, 737 UCL (Long and Short) loops, and 3,091 UDC loops in Georgia, as well as 1,781 2-wire ADSL loops, 71 2-wire HDSL loops, 934 UCL (Long and Short) loops, and 752 UDC loops in Louisiana. *See Milner Aff.* ¶¶ 115, 138.

For pre-ordering of xDSL-capable loops, BellSouth offers CLECs nondiscriminatory access to the actual loop make-up information ("LMU") contained in its records and databases. *See generally Stacy Aff.* ¶¶ 227-249. In compliance with the *UNE Remand Order*, BellSouth provides CLECs access to the exact same LMU available to and used by its retail personnel and in the same manner. *See id.* ¶¶ 227-278 231-32.

LMU consists of the detailed information about the loop facilities serving a particular end-user address needed to determine the feasibility of providing a desired xDSL service over a loop. BellSouth's LENS, TAG, and RoboTAG interfaces allow CLECs to obtain real-time electronic access to the LMU contained in BellSouth's Loop Facilities Assignment & Control System ("LFACS"). *Id.* ¶ 228. Should LFACs lack the desired LMU, CLECs can request that BellSouth's outside plant engineers perform a manual lookup in BellSouth's Corporate Facilities Database. *Id.* ¶ 231-32; *Latham Aff.* ¶ 25; *see also Massachusetts Order* ¶ 68 (approving mix of manual and electronic processes); *Kansas/Oklahoma Order* ¶ 122; *Texas Order* ¶ 165. With

LMU in hand, CLECs can make their own determination as to the suitability of particular loops for the desired xDSL service. *See Latham Aff.* ¶ 23.[83]

BellSouth also performs loop conditioning as requested, irrespective of whether BellSouth offers advanced services to the end-user customer on that loop. CLECs may select the precise conditioning (*i.e.*, loop modification) they desire on their loop and will only pay for the level of conditioning selected. *See Latham Aff.* ¶ 25; *Milner Aff.* ¶ 122.[84] Through BellSouth's Unbundled Loop Modification ("ULM") process, CLECs can request that BellSouth modify any existing loop to be compatible with the CLEC's particular hardware requirements. *See Latham Aff.* ¶ 25.

Under the direction of the Georgia and Louisiana PSCs, BellSouth has also developed comprehensive, disaggregated performance metrics that capture its performance in the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services. BellSouth's performance has been excellent across each of the five categories upon which this Commission has focused its attention: (i) order processing timeliness; (ii) average installation intervals; (iii) missed installation appointments; (iv) quality; and (v) quality and timeliness of maintenance and repair. *See Massachusetts Order* ¶ 130. Based on these performance data, the Commission should conclude that BellSouth "provisions xDSL-capable loops for competing carriers in substantially the same time and manner that it installs xDSL-capable loops for its own retail operations." *Kansas/Oklahoma Order* ¶ 185.

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[83] BellSouth additionally offers CLECs access to its Loop Qualification System ("LQS"), a database designed for Network Service Providers ("NSPs") to enable them to inquire as to whether POTS lines will support BellSouth's wholesale ADSL service. CLECs have electronic access to the exact same LQS database, and in the same time and manner as NSPs. *See Stacy Aff.* ¶¶ 234-236.

[84] By order dated June 11, 2001, the GPSC set rates for loop conditioning at zero for a

Georgia. BellSouth provides nondiscriminatory access to xDSL-capable loops in Georgia, as demonstrated by its performance across all five of the relevant categories. BellSouth returns loop makeup information to CLECs in substantially the same time and manner as it is available to BellSouth's personnel. *See Stacy Aff.* ¶¶ 227-28, 231-32. Between May and July, BellSouth returned electronic loop makeup information within five minutes for 100% of such requests. *See Varner Ga. Aff.* ¶ 165 (F.2.2.1). BellSouth additionally returned 98% (160 of 164) of manual requests within the established three-day benchmark during that same time frame. *See id.* ¶ 164 (F.2.1.1).

BellSouth also provisions CLEC xDSL-capable loop orders well within the seven-day benchmark established by the GPSC. *See id.* ¶ 193 (B.2.1.5, B.2.2). In absolute terms, the average order completion interval fell during each month from May through July. *See* BellSouth Monthly State Summaries – Georgia, May-July 2001 (*Varner Affs.* Exhs. PM-2 to PM-4). Likewise, BellSouth met or exceeded the applicable parity standard for missed installation appointments in each of the past three months. *Varner Ga. Aff.* ¶ 197 (B.2.1.8.5).

BellSouth not only delivers xDSL-capable loops and related services in a timely manner but also provisions high-quality loops that present few technical problems. During the months of May to July 2001, only 5.1% of provisioned xDSL-capable loops experienced trouble within 30 days of their installation. *See* BellSouth Monthly State Summaries – Georgia, May-July 2001 (B.2.19.5) (*Varner Affs.* Exhs. PM-2 to PM-4). During that same time period, more than 99% of CLEC xDSL-capable loops were trouble free. *See Varner Ga. Aff.* ¶ 203. And while BellSouth just missed the parity measure for Customer Trouble Report Rate for xDSL (B.3.2.5), the

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period of 18 months. *See Latham Aff.* ¶ 25.

absolute percentage of troubles was so small as to be competitively insignificant. *See id.; Pennsylvania Order* ¶ 77; *Massachusetts Order* ¶ 122.

When CLECs did experience trouble on xDSL-capable loops, BellSouth handled the troubles in substantially less time than it handled the troubles for its retail units. In July, for example, BellSouth completed maintenance work for CLEC xDSL-capable loops in an average of 5.38 hours for dispatch (B.3.3.5.1) and 3.08 hours for non-dispatch (B.3.3.5.2) repair service. By way of comparison, BellSouth completed the analog retail maintenance work in an average of 62.47 hours for dispatch and 18.49 hours for non-dispatch repair service. *See* BellSouth Monthly State Summaries – Georgia, July (*Varner Affs.* Exh. PM-4). BellSouth consistently made a greater percentage of repair appointments for CLECs than for its own retail customers (B.3.1.5), and provided superior quality repair service as CLECs suffered substantially fewer repeat troubles (B.3.4.5). *See Varner Ga. Aff.* ¶¶ 201, 206.

Louisiana. BellSouth also provides nondiscriminatory access to xDSL-capable loops in Louisiana. As in Georgia, BellSouth returns loop makeup information to Louisiana CLECs in substantially the same time and manner as that information is available to BellSouth's own personnel. Between May and July 2001, BellSouth returned electronic loop makeup information within five minutes for 100% of such requests. *See Varner La. Aff.* ¶ 179 (F.2.2.1). There was only one manual request for loop makeup information submitted between May and July. *See id.* ¶ 178.

BellSouth also provisions high-quality xDSL-capable loops to Louisiana CLECs in a timely manner. During each of the past three months, BellSouth satisfied CLEC xDSL-capable loop orders well within the seven-day benchmark established by the LPSC. *See Varner La. Aff.* ¶ 207 (B.2.1.5, B.2.2). Likewise, BellSouth met or exceeded the applicable parity standard for

missed installation appointments in each of the three months. *Id.* ¶ 211 (B.2.18.5). BellSouth xDSL-capable loops faced few technical problems once provisioned, as BellSouth met or exceeded the retail analog for troubles within 30 days of installation during each of the past three months. *Id.* ¶ 212 (B.2.19.5). During that same time period, more than 99% of CLEC xDSL-capable loops were trouble free. *See id.* ¶ 217. When CLECs did experience trouble on xDSL-capable loops, BellSouth provided timely and high-quality repair service. BellSouth missed fewer CLEC repair appointments (B.3.1.5), and it handled CLEC reported troubles in substantially less time than it handled the troubles for its retail analog units (B.3.3.5). *See id.* ¶¶ 215, 219. In light of this comprehensive evidence, there can be no doubt but that Louisiana CLECs have been provided a meaningful opportunity to compete in the advanced services market.

4. ISDN-BRI Loop Provisioning

BellSouth's performance in provisioning ISDN-BRI loops has also been excellent across each of the categories upon which this Commission has directed its attention. In both Georgia and Louisiana, BellSouth has met or exceeded the parity standard for ISDN-BRI loops for average order completion interval (B.2.1.6.3) during each of the past three months. *See Varner Ga. Aff.* ¶ 210; *Varner La. Aff.* ¶ 224. Likewise, BellSouth has consistently met a greater percentage of ISDN-BRI installation appointments for CLECs than it has for its own customers (B.2.18.6.1). *See Varner Ga. Aff.* ¶ 212; *Varner La. Aff.* ¶ 226. The customer trouble report rate has been significantly lower for Georgia CLECs than for BellSouth during each of the past three months (B.3.2.6), *see Varner Ga. Aff.* ¶ 215, and BellSouth has just missed the parity standard for two sub-metrics in Louisiana, *see Varner La. Aff.* ¶ 229. In each instance, however, more than 98% of CLEC ISDN-BRI loops were trouble free. *See id.* Moreover, when CLECs have

experienced troubles, BellSouth has provided timely and high-quality maintenance and repair services. In both Georgia and Louisiana, BellSouth has met or exceeded the parity standard for missed repair appointments (B.3.1.6), average maintenance duration (B.3.3.6), and percent repeat reports within thirty days (B.3.4.6) for every available sub-metric. *See Varner Ga. Aff.* ¶¶ 214, 216, 217; *Varner La. Aff.* ¶¶ 228, 230, 231.

5. Line Sharing

BellSouth has implemented line sharing in full compliance with the Commission's requirements, allowing CLECs to offer high-speed data service to BellSouth voice customers. Like SWBT, BellSouth developed its line-sharing product in a collaborative effort with CLECs and is continuing to work cooperatively with the CLECs on an ongoing basis to resolve issues as they arise. *See Williams Aff.* ¶ 7 (App. A, Tab W); *see also LPSC Staff Final Recommendation* at 84. BellSouth invited all interested CLECs to collaborative meetings beginning in January 2000, and at least 11 CLECs participated in these meetings. The participants agreed to form several working collaborative teams to develop processes and procedures for central-office-based line sharing, which were then implemented, tested, and improved. As a result of these efforts, BellSouth was able to implement commercial line sharing by this Commission's June 6, 2000 deadline. As of August 31, 2001, BellSouth had provisioned 824 line-sharing arrangements in Georgia, 418 line-sharing arrangements in Louisiana, and 3,856 such arrangements region-wide. *See Milner Aff.* ¶ 134.

BellSouth provides line sharing in accordance with the obligations set forth in the Commission's *Line Sharing Order* and *Line Sharing Reconsideration Order.* Specifically, line sharing is available to a single requesting carrier, on loops that carry BellSouth's plain old telephone service ("POTS"), so long as the xDSL technology deployed by the requesting carrier

does not interfere with the analog voice-band transmissions. *See Williams Aff.* ¶¶ 5-6. BellSouth allows line-sharing CLECs to deploy any version of xDSL that is presumed acceptable for shared-line deployment in accordance with Commission rules and will not significantly degrade analog voice service. *Id.* At the request of the data CLECs, BellSouth provides line splitters in both Georgia and Louisiana. *Id.* ¶ 18.

The pre-ordering, ordering, provisioning, and maintenance and repair processes for the line-sharing product are very similar to the processes for xDSL-capable loops. *Id.* ¶¶ 21-28. For loop makeup information, the process is the same whether the CLEC wishes to obtain an xDSL-capable loop, or the high-frequency portion of the loop. *Id.* ¶ 21.

BellSouth provisions line sharing in a timely, accurate, and nondiscriminatory manner. *See Massachusetts Order* ¶ 165 ("a successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates and repeat trouble report rates").

Georgia. In Georgia, BellSouth has completed orders for line sharing arrangements in substantially the same time as for the retail analog. BellSouth has met or exceeded the parity standard for five of six relevant OCI sub-metrics over the past three months (B.2.1.7). *Varner Ga. Aff.* ¶ 195. BellSouth just missed the sixth sub-metric, and the minimal disparity is largely explained by the limited sample size. *See id.* BellSouth also has consistently met or exceeded the parity standard for missed installation appointments during each of the past three months, *see id.* ¶ 197, and CLECs have suffered a smaller percentage of provisioning troubles within 30 days, *see id.* ¶ 199. BellSouth has met substantially the same percentage of repair appointments for CLECs as for its retail customers. *See id.* ¶ 202. Because so few CLECs' line-sharing

arrangements have required repair work, the limited sample size results in figures that understate BellSouth's record of high-quality maintenance service. *See id.* ¶ 207.

Louisiana. BellSouth also provides nondiscriminatory access to line-shared loops in Louisiana. BellSouth provisions line sharing arrangements in substantially the same time as it does for the retail analog, and BellSouth misses a smaller percentage of CLEC installation appointments. *See Varner La. Aff.* ¶¶ 209, 211. Likewise, BellSouth provisions high-quality loops, meeting the parity standard for three of four sub-metrics for provisioning troubles. *See id.* ¶ 213. In those instances where BellSouth has missed the parity standard, the limited sample size is largely responsible for skewing the record of high quality provisioning and maintenance services that BellSouth has demonstrated across loop types.

6. Line Splitting

BellSouth facilitates CLEC efforts to engage in line splitting in full compliance with the Commission's instructions. *Williams Aff.* ¶ 35. Specifically, BellSouth facilitates line splitting by cross-connecting an unbundled loop to a CLEC's collocation space. *Id.* ¶ 39. Once the CLEC has separated the voice from the data service, and sent the latter onto the packet switched network, BellSouth will cross-connect the voice signal back to the BellSouth circuit switch. In other words, BellSouth offers the same arrangement to CLECs as that described by the Commission in the *Texas Order* and the *Line Sharing Reconsideration Order*. *See* Ga. SGAT § II.B.9.b; La. SGAT § II.A.9.b. BellSouth's current offerings meet all Commission requirements for line splitting. *Texas Order* ¶¶ 323-329.

E. Checklist Item 5: Unbundled Local Transport

In compliance with the Act, BellSouth provides "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." 47 U.S.C.

§ 271(c)(2)(B)(v). Interoffice transmission facilities include both dedicated transport and shared transport. *Second Louisiana Order* ¶ 201. Dedicated transport is defined as "incumbent LEC transmission facilities . . . dedicated to a particular customer or carrier, that provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers, or between switches owned by incumbent LECs or requesting telecommunications carriers." 47 C.F.R. § 51.319(d)(1)(i). Shared transport is defined as "transmission facilities shared by more than one carrier, including the incumbent LEC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the incumbent LEC network." *Id.* § 51.319(d)(1)(iii).

In the *Second Louisiana Order*, this Commission concluded that, but for the deficiencies in BellSouth's OSS – deficiencies that have now been fully addressed (as discussed above) – BellSouth demonstrated that it provides unbundled local transport as required in section 271. *See Second Louisiana Order* ¶ 202. The Commission stated that "the terms and conditions under which BellSouth provides interoffice transmission facilities are consistent with our rules." *Id.*

BellSouth's terms and conditions in both Georgia and Louisiana continue to comply with all applicable rules. Dedicated and shared transport are available between end offices, between tandems, and between tandems and end offices, and procedures are in place for the ordering, provisioning, and maintenance of both dedicated and shared transport. *Milner Aff.* ¶ 159. BellSouth offers dedicated transport at high levels of capacity, including DS3 and OCN levels. *Id.* ¶ 162. For dedicated transport, to the extent technically feasible, BellSouth provides requesting carriers access to digital cross-connect system functionality in the same manner that BellSouth provides it to interexchange carriers. *Id.* CLECs purchasing shared transport may use the same routing tables resident within BellSouth's switches. *Id.* ¶ 164.

BellSouth has provided 2,796 dedicated local transport trunks to CLECs in Georgia, and 649 in Louisiana. *Id.* ¶ 167. Although BellSouth cannot provide specific numbers for common trunks, from July 1999 through July 2001 there were over 40 CLECs in Georgia and 30 CLECs in Louisiana using common transport provided by BellSouth. *See id.* ¶ 168.

To address this Commission's concerns in the *Second Louisiana Order* regarding disaggregation of OSS and transport data, BellSouth now has "performance data specifically measuring the provisioning of dedicated and shared transport facilities." *Second Louisiana Order* ¶ 206; *Varner Ga. Aff.* ¶¶ 245-256; *Varner La. Aff.* ¶¶ 258-264. Available data show that BellSouth timely provisioned and maintained unbundled transport during May, June, and July 2001, meeting or exceeding nearly all sub-metrics where there was activity. *See Varner Ga. Aff.* ¶¶ 245-256; *Varner La. Aff.* ¶¶ 258-264; *Massachusetts Order* ¶ 209 (examining missed appointment rates for the provision of interoffice facilities to CLECs to determine compliance with Checklist Item 5). BellSouth thus provides unbundled transport to CLECs in a competitive manner.

F. Checklist Item 6: Unbundled Local Switching

Checklist Item 6 obligates a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services." 47 U.S.C. § 271(c)(2)(B)(vi). In accordance with this Commission's requirements, BellSouth provides (1) line-side and trunk-side facilities; (2) basic switching functions; (3) vertical features; (4) customized routing; (5) shared trunk ports; (6) unbundled tandem switching; (7) usage information for billing exchange access; and (8) usage information for billing for reciprocal compensation. *See Milner Aff.* ¶¶ 169-193; *Scollard Aff.* ¶¶ 8-9; *Ruscilli/Cox Joint Aff.* ¶¶ 45-62; *New York Order* ¶ 346; *Texas Order* ¶ 339; *Kansas/Oklahoma Order* ¶ 242.